

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ramon Tony Cantu,

Civil No. 06-1127 (RHK/JJG)

Petitioner,

ORDER

v.

State of Minnesota,

Respondent.

In a thorough and well-reasoned Report and Recommendation, Magistrate Judge Jeanne J. Graham recommended the dismissal with prejudice of Petitioner's 28 U.S.C. § 2254 application for a writ of habeas corpus; before the Court is Petitioner's Objections to the Report and Recommendation.

The Court has conducted a de novo review of the objected to portions of the Report and Recommendation and is satisfied that Judge Graham's recommended disposition is fully supported by the factual record before her and controlling legal authorities. The Objections of Petitioner are without merit.

Accordingly, and upon all the files, records and proceedings herein **IT IS ORDERED**:

1. The Objections (Doc. No. 3) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 2) is **ADOPTED**;
3. Petitioner's Motion to Grant Appropriate Relief of Habeas Corpus (Doc. No. 5) is **DENIED**;
4. Petitioner's Motion to Grant Certificate of Appealability (Doc. No. 4) is **DENIED**;

5. Petitioner's Application for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**; and

6. This action is **DISMISSED WITH PREJUDICE**.

Dated: May 8, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge